IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1846 OF 2007

Ashok Mishrimal Jain & Ors. ..Petitioners

Versus

The State of Maharashtra & Ors. ..Respondents

Mr.Sameer V.Pradhan & Ms.Amba Salelkar for the petitioners.

Ms.S.V.Gajare APP for the State.

Mr.Kanishk Jayant for respondent no.2.

CORAM : B.H.MARLAPALLE,J

DATE : 8TH OCTOBER, 2007

PC

1. Heard Mr.Pradhan the learned Counsel for the petitioners. The petitioner no.1 and respondent no.2 were married on 4.5.1998. On account of matrimonial dispute between the parties, the respondent/wife stopped residing in her maternal home. On 19.12.2006, she filed a complaint with the L.T.Marg police station against the petitioners for the offences punishable under Sections 498-A, 406 read with 34 of IPC. Though charge-sheet has been filed on 9.7.2007 the trial has not yet commenced before the learned Magistrate. The petitioner no.1 and respondent no.2 decided to separate by mutual consent and therefore, applied for divorce by consent before the Family Court at Bandra in Petition No.F 323 of 2007. The learned Judge of the Family

Court was pleased to grant a decree for divorce on 24.8.2007 and thus the marriage between the parties has been annulled.

2. The respondent no.2-wife is present in the Court and she confirms that the marriage has been annulled by a decree of divorce by mutual consent and she does not want to proceed with the complaint. She has requested for quashing the complaint as prayed for in the petition.

3. The learned APP on instructions, confirms that the trial in the complaint has not yet commenced before the learned Magistrate. Having regards to the separation between the parties and their desire to embark upon a new life, it will be appropriate that and in fact, interest of justice would be better served if C.C.No.252/PW/2007 is quashed.

4. Hence, the petition is allowed and the proceedings in C.C.No.252/PW/2007 are hereby quashed.

(B.H.MARLAPALLE,J)